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Dkt. 55669-Z/JPW/PJP/BJA

#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cy A. Stein

RECEIVED

Serial No.: 09/832,648

Examiner: J. Epps

OCT 31 2002

Filed : April 11, 2001

Group Art Unit: 1635

TECH CENTER 1600/2900

For : OLIGONUCLEOTIDE INHIBITORS OF bcl-xL

1185 Avenue of the Americas
New York, New York 10036
October 24, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

COMMUNICATION IN RESPONSE TO OCTOBER 2, 2002 OFFICE ACTION

This Communication is submitted in response to an October 2, 2002 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the October 2, 2002 Office Action is due November 2, 2002. Accordingly, this Communication is being timely filed.

In the October 2, 2002 Office Action the Examiner stated that the reply filed 7/10/2002 is not fully responsive to the prior Office Action. The Examiner stated that applicant has not amended claim 36 as stated in the response. The Examiner further stated that, according to applicant, "claims 9, 26 and 36, as amended are not obvious over Pollman et al., Manoharan et al. and Gibbons et al. as the combination of references does not teach all of the characteristics recited in the amended claims, and, specifically, there is no teaching of any SEQ ID NO:1 or 2-13 in the references cited by the Examiner". The Examiner further stated that, however,

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contrary to applicant's statement, there is no amendment to claim 36 in the response filed 7/10/2002. The Examiner also stated that the claim referred to as amended claim 28 in the response filed 7/10/2002 is not consistent with original claim 28. The Examiner further stated that original claim 28 is drawn to a method, however amended claim 28 set forth in the response filed 7/10/2002 is drawn to a composition, and there is no amendment showing this change in the claim language, therefore this amendment is not in compliance with 37 C.F.R. §1.121(c).

In response, applicant's note that amended claim 36 was inadvertently labeled as claim 28 as it appears in the response filed July 10, 2002. In order to expedite prosecution, applicant's attach hereto as **Exhibit 1** a Supplemental Amendment which correctly identifies amended claim 36, and repeats the arguments and response set forth in the response submitted by applicant on July 7, 2002. Applicant therefore respectfully requests that the Supplemental Amendment attached hereto as Exhibit 1 be entered. ✓

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.


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No fee is deemed necessary in connection with the filing of this Communication. However, if any such fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231.

 10-24-02
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